

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JAMES FRANK GAVRANOVIC, JR., §
§
Petitioner, §
VS. § CIVIL ACTION NO. C-08-315
§
NATHANIEL QUARTERMAN, §
§
Respondent. §

MEMORANDUM OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at the Smith Unit in La Mesa, Texas (D.E. 1). Petitioner states he was convicted for the offense of indecency with a child on August 25, 2000, in the 329th Judicial District Court of Wharton County, Texas (*Id.*).

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in Dawson County, which is located in the Lubbock Division of the Northern District of Texas, 28 U.S.C. § 124(b)(7), and he was convicted by a court located in the Houston Division of the Southern District of Texas. 28 U.S.C. § 124(b)(2).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). Because petitioner was convicted in Wharton County, it is more convenient for the action to be handled in the Houston

Division of the Southern District of Texas. The records of his conviction, the prosecutor and defense lawyer, and the witnesses are all located in the Houston Division of the Southern District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Southern District of Texas, Houston Division. All pending motions are denied as moot but subject to re-urging once the case is received by the transferee court.

ORDERED this 2nd day of October, 2008.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE